

87-1427

Supreme Court, U.S.
FILED
JAN 30 1988

JOSEPH R. SPANIER, JR.
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1987

RONALD R. SCHROEDER,

Petitioner,

v.

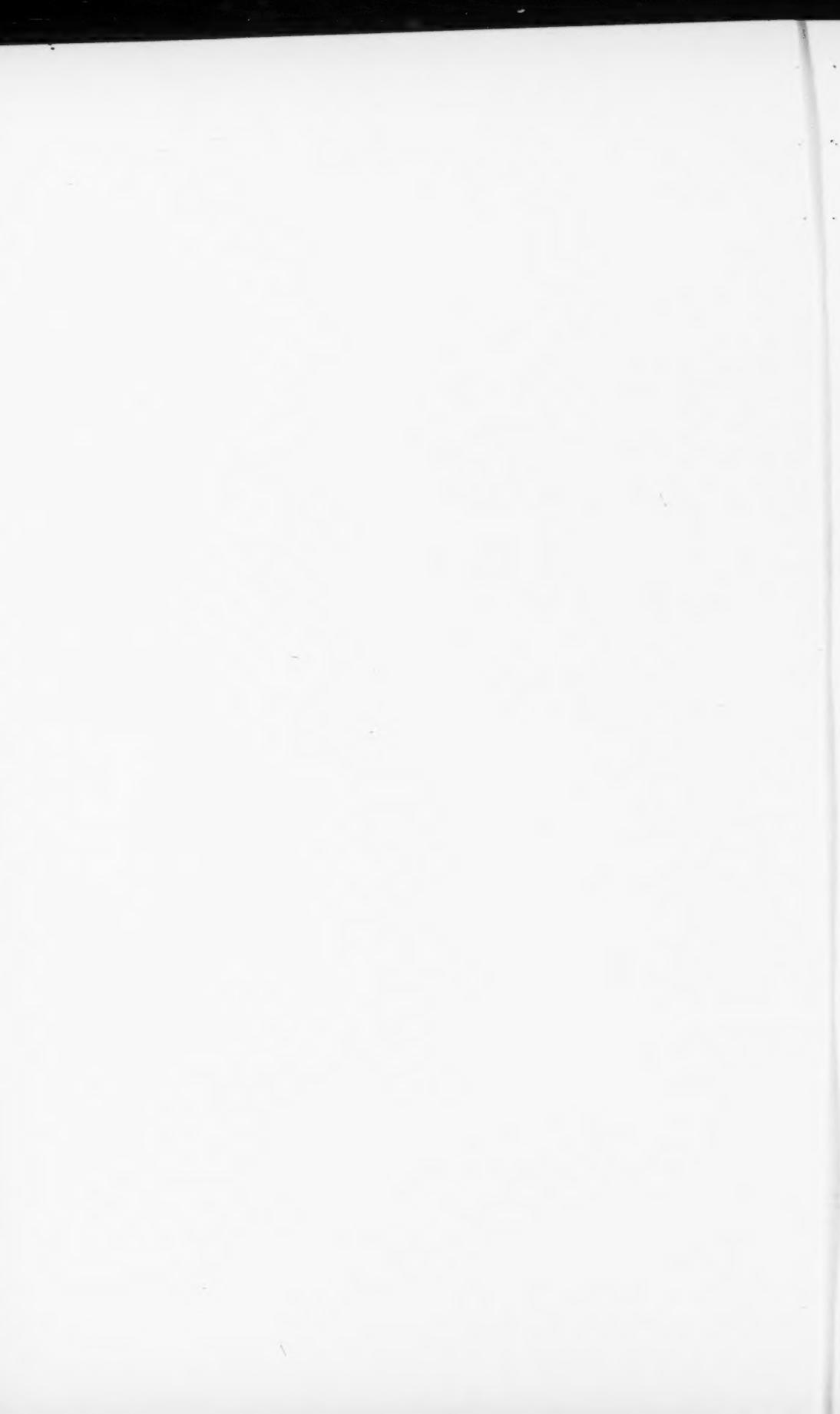
UNITED STATES OF AMERICA,
DEPARTMENT OF THE AIR FORCE

Respondant.

PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

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39



QUESTION PRESENTED FOR REVIEW

Petitioner alleges 38 United States Code 2014 violates his Rights protected by the First and Fourteenth Amendments to the United States Constitution.

Petitioner states 38 U.S.C. 2014 DENYS Federal Civil Service employment positions to LAW-ABIDING White MALE citizens of the United States who; having been between the ages of 18-26 during the Vietnam-era; registered with the Military Selective Service System, and/or reported for Active Duty during the Vietnam War.

Petitioner states he was denied hire by Respondant because he is a law-abiding American White Male; who while 18 years old during the Vietnam-era; registered and reported for active duty during the VIETNAM WAR.



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IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1987

No. _____

RONALD R. SCHROEDER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondant.

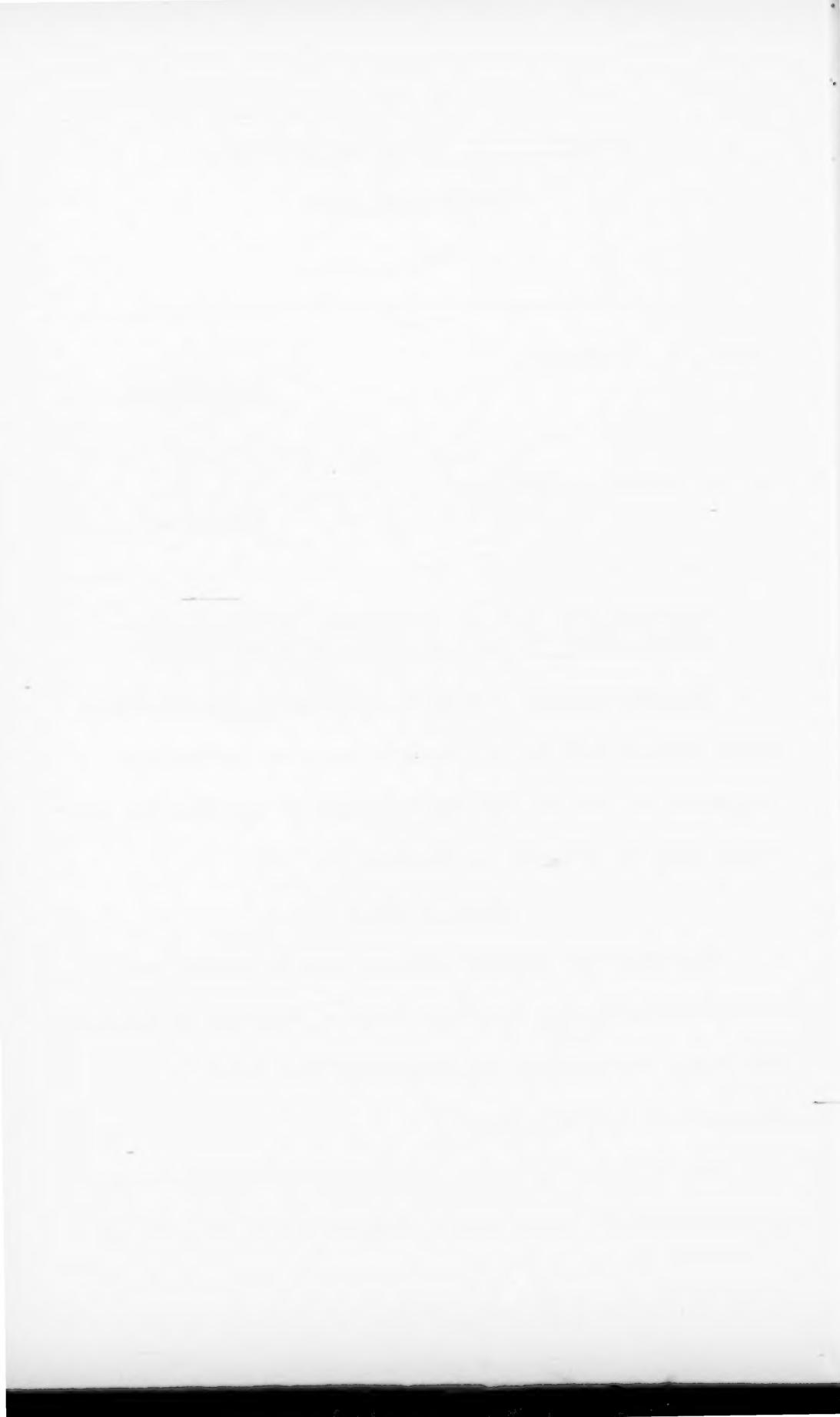
PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

The petitioner, Ronald R. Schroeder, respectfully
prays that a writ of certiorari issue to review the
judgement of the United States Court of Appeals for the
Tenth Circuit entered on November 5, 1987.

OPINION BELOW

The Court of Appeals entered its Judgement and
Order affirming the District Court's Memorandum Opinion
and Order. A copy of the Judgement and Order is
attached as Appendix A.

The District Court in its Memorandum Opinion and
Order Dismissed Petitioner's Complaint for failure to



exhaust his aveunes thru Respondant's "Administrative Remedies". A copy of the District Court's Memorandum Opinion and Order is attached as Appendix B.

JURISDICTION

Jurisdiction of this Court is invoked under Title 28, United States Code 1254.

CONSTITUTION PROVISION INVOLVED

United States Constitution, Amendment XIV:

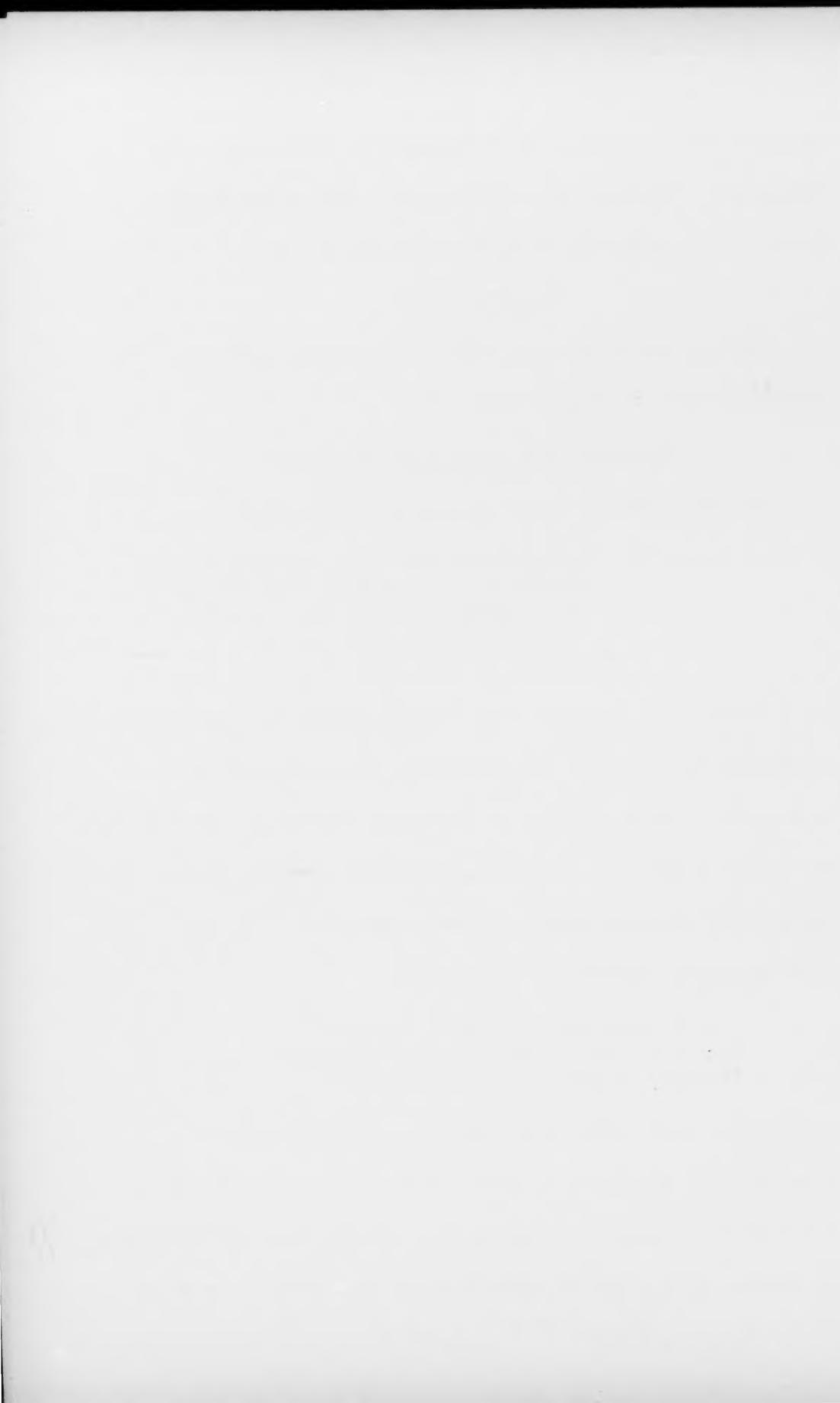
Section 1 states, "All persons born . . . in the United States . . . nor deny any person . . . Equal protection of the laws."

STATEMENT OF THE CASE

Petitioner, having been denied access to employment, attempted to got thru Respondant's "Administrative Remedies". After filing an informal complaint, Petitioner was given a list of officials he could contact if he desired to proceed with a formal complaint. On the list were the following officials:

"Black Employment Program Manager"
"Hispanic Employment Program Manager"
"Federal Women's Program Manager"

Note there were officials, funds, and equipment specifically assigned to receive and process complaints for Blacks, Hispanics, and Women. There were NO Officials, NO Funds, NO equipment specifically assigned to receive



and process complaints for Whites or Males.

Since Petitioner is a White Male, he could not file his complaint with any official assigned to specifically assist members of his Race or Sex.

When officials, funds, and equipment are available to assist/process Blacks, Hispanics, and Women, the same must be provided for other Races and Sex. Whites make up 80% of the population of the United States. Males make up 50% of the population. Failure to provide equal personnel, funds, and equipment to the Petitioner because of his Race and Sex is denial of equal treatment within the "Administrative Remedies".

Therefore, Respondant's own "Administrative Remedies" violate the Fourteenth Amendment to the Constitution of the United States.

The purpose of such denial of equal treatment is to intimidate and prevent Whites or Males from obtaining either employment or justice with Respondant.

Facts in the underlying case will demonstrate how Respondant has prevented White Males from obtaining their fair share of positions with Respondant since March 31, 1970.



THE FACTS

38 U.S.C.A. 101 defines the "Vietnam-era" as the "period from August 5, 1964, and ending May 7, 1975".

50 U.S.C.A app 453 requires "EVERY MALE CITIZEN" of the United States between the ages of 18-26 to register "HIMself" with the Selective Service System. (App. C)

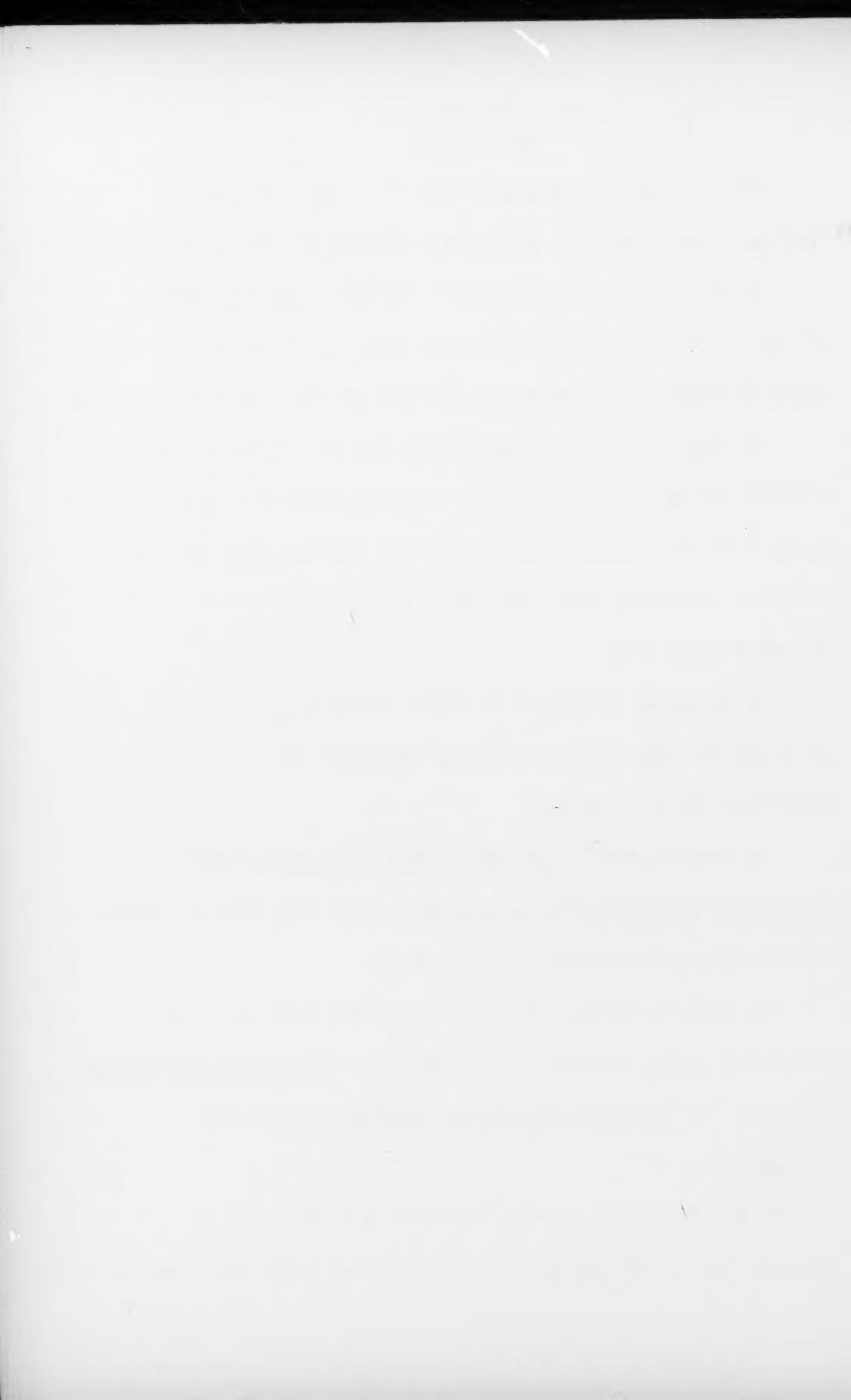
On July 2, 1970 the Selective Service System held a "DRAFT LOTTERY DRAWING". The drawing declared all males born on February 6, 1953 would be the sixteenth in order inducted into the Armed Forces during the calender year 1971.

On or about February 6, 1971, Petitioner, knowing he would be inducted, registered "HIMself" with the Selective Service System.

On June 7, 1971, the day after high school graduation, Petitioner reported for Active Duty with the United States Marine Corps, Department of the Navy.

On July 6, 1975, Petitioner, having completed his moral and legal obligations received an Honorable Discharge and used his Veterans Education Benefits to attend College.

28 U.S.C.A 1661 states Veterans are entitled to receive "up to 48 months" of Educational Benefits. (Appendix D)



5 U.S.C.A 2108 states Veterans will receive PREFERENCE to Federal Civil Service positions.

On April 21, 1987 Respondant posted an employment announcement for a Claims Examiner 5380. Petitioner was denied access, denied consideration, denied preference, denied Hire for said position because he was a Vietnam Veteran. The position was awarded to an applicant thru a special hiring process: The Vietnam Veterans Readjustment Appointment Program, known as the VRA. If not for this special hiring process, Petitioner would have been hired in said position.

THE VIETNAM VETERANS READJUSTMENT APPOINTMENT ACT

On March 27, 1970, the New York times printed an article about a study and program about to be announced by the Executive Branch. The article quoted one official stating:

"They finally turned the corner, now they're willing to go after - I mean really go after the poor BLACK kid who dropped out of high school to go fight in Vietnam."

On March 31, 1970 President Nixon issued Executive Order 11521: "AUTHORIZING VETERANS READJUSTMENT FOR THE VETERANS OF THE VIETNAM-ERA" known as the "VRA". A copy is attached Appendix E.



The VRA was enacted into law thru P.L. 93-508 and extended by P.L. 98-543: 38 U.S.C. 2014 (Appendix F)

The current Federal Personnel Manual defines the VRA as:

"a NON-COMPETITIVE appointment which leads to competitive status and career or career conditional tenure upon satisfactory completion of service and education or training."

restricted to Vietnam-Era Veterans only and have either a service connected disability or less than fourteen (14) years of education.

In 1980 the United States Census Bureau data reported that of all the Vietnam-Era Veterans:

87.5% were White
9.1% were Black

The data also show of all the Vietnam-Era Veterans with less than three (3) years of college (15 years of education) only 11.43% were Minorities.

However Minorities are obtaining a much higher disproportionate amount of the VRA appointments. In the required annual VRA reports to Congress by the Office of Personnel Management, Minorities are obtaining an average of 36% of the VRA appointments, or 3½ times the national demographics. The Office of Personnel Manage-



ment acknowledged this disproportionate rate in their March 10, 1981 VRA report:

"minorities and women receive a significant proportion of VRA, about 42 and 10 percent respectfully."

Also in 1980 the Veterans Administration's National Survey of Veterans verifies by using education level as a pre-requisite Blacks will be the primary benefactor. The report states:

"The data show that Black Veterans who use V.A. training had significantly different percentage from Whites in each type of training . . . Blacks were more likely than Whites to use high school training . . . They were less likely than Whites to use college training . . . Since Blacks left the service with lower levels of education at separation it is not surprising that they use less college than Whites."

AMNESTY

On January 21, 1977 President Carter issued Proclamation # 4483: GRANTING PARDON FOR VIOLATIONS OF THE SELECTIVE SERVICE ACT, AUGUST 4, 1964 to MARCH 28, 1973.

(A copy of Proclamation #4483 is Appendix G).



ARGUMENT/CONSTITUTIONAL ISSUES

United States Constitution, Amendment I:

"Congress shall make no law
abridging the Freedom of Speech"

Freedom of Speech is not limited to vocal protest on the streets or printed material. When the Petitioner, and millions of citizens, either registered for the Draft and/or reported for Active Duty during the Vietnam-Era we SPOKE OUT with our feet -- and many with their blood or lives -- that we supported not only the policies of the elected officials, but of the Constitutional/elective process itself. Note: Only the Vietnam-Era Veterans are required to be singled out, separated by their education levels; there is no similar Act requiring either the Vietnam Draft Dodgers or any other Veteran from any other war, conflict or peacetime to be singled out and separated by their education level. Non-Vietnam-Era Veterans must go thru the regular employment process regardless of their education. And President Carter's Pardon to Vietnam Draft Dodgers Constitutionally (the same Constitution they were not willing to protect) prevents them from being singled out FOR ANY REASON.

In the absence of such Acts, a DOUBLE STANDARD exist. As a Vietnam-Era Veteran with more than 14 years of education: I have been singled out for supporting the Vietnam War for the purpose of denying me EQUAL ACCESS to Federal Civil Service employment. In Fact, Congress has PENALIZED me for speaking out in support of the foriegn policies of the United States during the Vietnam War. For if the Vietnam War had not occured: the VRA would not exist, and Petitioner would have been hired thru the REGULAR hiring process. Therfore, Petitioner has been denied his Constitutional Right to Speak out in support of the Vietnam War, be it sixteen years later.

Speech is clearly an issue here. In fact the U.S. Supreme Court has already defined participation in the Armed Forces during the Vietnam-Era as a political statement. In Clay v. U.S.A (403 U.S. 709) Justice Douglas stated:

"neither Clay nor Negre should be subject to punishment because he will not renounce the "truth" of the teachings of his respective Church that Wars indeed may exist in which are just in which a Moslem or Catholic has a respective duty to PARTICIPATE . . . both Clay and Negre were "by reason of religious training and belief" conscientiously



opposed to PARTICIPATION in War of the Character proscribed by their respective religions. That belief is a matter of conscious PROTECTED BY THE FIRST AMENDMENT WHICH CONGRESS HAS NO POWER TO QUALIFY OR DILUTE."

Since Clay had the Right to oppose PARTICIPATION in the Vietnam War, a war not based on religious beliefs, the Petitioner has the Right to PARTICIPATE in same without fear of RETALIATION by Congress.

In fact there are hundreds of court decisions stating First Amendment protects citizens' Right to SPEAK OUT AGAINST the Vietnam War. But there are no cases where the Courts recognize the First Amendment also protects those citizens who SPOKE OUT IN SUPPORT of the Vietnam War thru PARTICIPATION. And thanks to the Presidential Pardon of the Vietnam Draft Dodgers, this government must recognize that obeying the laws requiring Registration and Induction into the Armed Forces is a VOLUNTARY STATEMENT AND CAN NO LONGER BE EXPECTED.

United States Constitution Amendment XIV:
Section 1 states:

"All persons born . . . in the United States . . . nor deny any person . . . equal protection of the laws."

Clearly Race is a major factor in the VRA. In every document regarding the inception, design, and



application of this special hiring process, Vietnam-Era Veterans are seperated by Race. Both the Executive and the Congress have been aware by using education level, White Males will be BLOCKED from obtaining their share of Respondant's Civil Service position. This special hiring process was specifically designed to BLOCK WHITE MALE VIETNAM-ERA VETERANS from obtaining jobs they would otherwise receive thru the regular hiring process.

The VRA is NOT an Affirmative Action program. A socioilly-disadvantaged NON-Vietnam-Era Veteran does NOT qualify for a VRA appointment, be he/she Black, Hispanic, Oriental, etc. In fact, as currently being applied, the VRA BLOCKS some disabled Veterans from Civil Service positions. This "special hiring process" requires a NON-disabled Vietnam-Era Veteran with less than 14 years of education to be considered (and hired) first before DISABLED NON-Vietnam-Era Veterans. Because Non-Vietnam-Era Disabled Veterans can only go thru the regular hiring process.

Finally the mere existance of a special hiring process has already been ruled by the U.S. Supreme Court to constitute a two tier quota system and violates



the Fourteenth Amendment. In University of California Regents v. Bakke (438 U.S. 265) ruled against seperate selections procedures. Justice Powell stated:

"There is a measure of inequality in forcing innocent persons . . . to bear the burdens of redressing grievances not of their making."

CONCLUSION

Between 1861 and 1865 many citizens of this nation to up arms against Federal Government in the War between the States. When is was over, President Lincoln was aware that the common soldier could not be penalized. He knew the common Confederate soldier was exercising his Freedom of Speech and just following the Orders of his leaders (the Officials of the individual States). So President Lincoln ordered General Grant to allow the Confederate soldiers keep their rifle and their horse. For President Lincoln knew they would need their rifle and their horse to provide for themselves and their families.

The VRA takes away my rifle and my horse. My rifle is my "Right to bear Arms" to protect not only home and family, but the Constitutional elective process. My horse is my education. In modern times ones education



will determine if, and how, he will be able to provide for his family. That is exactly why Petitioner used the Veterans Education Benefits entitled to him to attend college after his MILITARY OBLIGATIONS were completed: To be able to provide for his family.

But now Petitioner finds both his education and military service background used to automatically eliminate him from Respondant's said Civil Service position of which he is both qualified for and entitled to preference to. Then a few months later, Petitioner finds himself being evicted out of his home -- not because of his education, but because he was a "Vietnam-Era Veteran".

Between President Lincoln's order and President Carter's Pardon: It appears a citizen of these United States would be better able to provide for his family by either disobeying the laws of the land or taking up Arms against it, then be a Veteran of the Vietnam-Era.

While still in high school, Petitioner read about the following news event: In Washington D.C. during an Anti-Vietnam war protest, some of the protesters tried to set fire to an American Flag. Within the group were some Vietnam Veterans. The Vietnam Veterans went over to the burning flag and not only put the fire



out, but attached the flag to a pole and held it high.

Those Vietnam Veterans distinguished between speaking out against the policies of the elected officials, and speaking out in support of the Constitutional Elective process which put those officials in. If Congress is permitted to enact laws giving fewer Rights to those citizens who supported the Constitutional process when it was controversial/unpopular to do so; Who will come to the aid of the Flag the next time?

The Respondant has spent millions of Dollars assigned to ensure that "all male citizens . . . between the ages of 18 to 26" are registered with the Selective Service System. And that all those "Males" who are required to report for Active Duty do so. Respondant's "Administratives Remedies" has also assigned millions of dollars for personnel and equipment to ensure/assist Blacks, Hispanics, and Women in the hiring and promotion process. Not One Dollar, Not one person, Not one paper clip, is assigned to ensure/assist either Whites or Males within the "Administrative Remedies". All Blacks, all Hispanics, nor women were not required to register with the Selective Service System. One hundred percent (100%) of the registrants and the "Inductees" were males.



And of those "males" required to report for Active Duty during the Vietnam-Era, "87.5%" were White. Yet there is no one assigned to assist/ensure either Whites or Males are properly represented in Respondant's hiring and promotion process thru its "Administrative Remedies".

During the Vietnam-Era millions of "male citizens of the United States between the ages of 18-26" were challenged to come to the aid of the Constitution. Some "dodged" the challenged. But millions of others (including the Petitioner) met the challenge: By not only registering, but reporting for Active Duty.

Petitioner now challenges this Court to come to the aid of the Constitution. This Court could "dodge" the challenge by allowing this Action to be dismissed without a review. Or the Court can accept the challenge: By "registering" this Complaint for further review and ensure those males who are not only expected to, but willing to give their lives protecting the Constitution of the United States are receiving equal access and equal treatment.

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Ronald R. Schroeder
Ronald R. Schroeder
Pro Se



UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

RONALD SCHROEDER,
Plaintiff-Appellant,

v.

No. 87-1836
(D.C. No. 86-K-1083)
(D. Colo.)

UNITED STATES OF AMERICA;
DEPARTMENT OF THE AIR FORCE;
NANCY HOLLAND; SUSAN WULF;
MARY JOHNSON, as employees of the
Department of the Air Force;
VERNE ORR, as Secetary
of the Air Force,
Defendants-Appellees.

FILED; NOV. 5, 1987

ORDER AND JUDGEMENT

Before McKay and Baldock, Circuit Judges, and Greene,
District Judge.*

* Honorable J. Thomas Greene, District Judge, United
States District Court for the District of Utah, sitting
by designation.

After examining the briefs and the appellate record,
this three judge panel has determined unanimously that
oral argument would not be of material assistance in
the determination of this appeal. See Fed. R. App. P.
34(a); 10th Cir. R. 34.1.8(c) and 27.1.2. The cause is
therefore ordered submitted without oral argument.

The Plaintiff, Ronald Schroeder, appeals from the



district court's order granting summary judgement for the defendants in this Title VII, 42 U.S.C. § 2000e-16, action. The district court dismissed the plaintiff's action for failure to exhaust administrative remedies.

For substantially the reasons stated in the district court's memorandum opinion and order, the judgement of the United States District Court for the District of Colorado is AFFIRMED. The plaintiff's motion to expedite this appeal is denied as moot.

The mandate shall issue forthwith.

ENTERED FOR THE COURT
PER CURIAM

DATED AND FILED; NOVEMBER 5, 1987

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 86-K-1083

FILED; MAY 28, 1987

RONALD R. SCHROEDER,
Plaintiff,

vs.

UNITED STATES OF AMERICA,
DEPARTMENT OF THE AIR FORCE;
NANCY HOLLAND; SUSAN WULF;
MARY JOHNSON; as employees of the
DEPARTMENT OF THE AIR FORCE,
Defendants.

MEMORANDUM OPINION AND ORDER

KANE, J.

This civil rights action is a consolidation of three complaints filed by pro se plaintiff Schroeder against the U.S. Air Force, a national insurance company, and the U.S. Post Office. All three complaints allege civil rights violations under Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C § 2000e et seq., and three complaints involve similar factual patterns of conduct. The case is currently before me on motions for summary judgement by all defendants, and the plaintiff has responded. I have jurisdiction of the action since a justiciable federal question is presented



me by the parties.

Plaintiff is a 34-year old white American male and a veteran of the Vietnam War. In each case, plaintiff responded to various advertisements in local newspapers for employment with defendant organizations. In each case, plaintiff alleges he was denied either an opportunity to interview for the job or the job itself due to discriminatory treatment by the respective hiring personnel. Plaintiff claims that entrance examinations were either unfairly administered or not offered plaintiff at all. Plaintiff claims all three defendants improperly took into account his gender, race, age, ethnic background, nationality, and political affiliation among other rather vague aspects of his personal status, in their refusal to employ him.

(Memorandum of unrelated case deleted)

B. The government defendants

It is well settled that a complaint must exhaust all available administrative remedies before filing a complaint in federal court under §2000e-16. Haynes v. Mark, 520 F. Supp. 1183, 1184 (D.Colo. 1981); I.M.A.G.E. v. EEOC, 469 F. Supp. 1034 (D.Colo. 1979); Sampson v. Civiletti, 632 F. 2nd 860 (10th Cir. 1980.) Plaintiff



has made no demonstration whatsoever that he has satisfied even the minimal administrative remedies with the EEOC in proceeding against the U.S. Air Force and the U.S. Postal Service defendants. Consequently, summary disposition of those claims intheir favor is granted.

Finally, with regard to all defendants, plaintiff's request for punitive damages and jury trial are denied. Only equitable relief is available under Title VII. Pierson v. Western Electric Company, 542 F. 2d 1150 (10th Cir. 1976). Furthermore, the equitable nature of private actions pursuant to \$2000e demands that trial in front of a jury is unavailable. U.S. v. Lee Way Motor Freight, Inc. 625 F.2d 918 (10th Cir. 1979).

IT IS THEREFORE ORDERED:

1. The motion for summary judgement by defendants Aetna Insurance Co., Reyes, Sargent, and Howard as to plaintiff claims in 86-K-1884 is DENIED.
2. The motion for summary judgement filed in 86-K-2163 and 86-K-1083 are GRANTED. These two cases are dismissed in their entirety.

DATED at Denver, Colorado this 28th day of May, 1987.

John C. Kane, jr.
U.S. District Judge



REGISTRATION

Except as otherwise provided in this section (Sections 451 to 471a of this Appendix), it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by the rules and regulations prescribed hereunder. The provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a nonimmigrant under section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101) for so long as he continues to maintain a lawful nonimmigrant status in the United States.



EDUCATIONAL ASSISTANCE
Eligibility; entitlement; duration

(a) Except as provided in subsection (c) and in the second sentence of this subsection, each eligible veteran shall be entitled to educational assistance under this chapter or chapter 36 for a period of one and one-half months (or the equivalent thereof in part-time educational assistance) for each month of fraction thereof of the veteran's service on active duty after January 31, 1955. If an eligible veteran has a period 18 months or more on active duty after January 31, 1955, and has been released from such service under conditions that would satisfy the veteran's active duty obligation, the veteran shall be entitled to educational assistance under this chapter for a period of 45 months (or the equivalent thereof in part-time educational assistance). In the case of any person serving on active duty on December 31, 1976, or a person whose eligibility is based on section 1652(a)(1)(B) of this chapter, the ending date for computing such person's entitlement shall be the date of such person's first discharge or release from active duty after December 31, 1976.



Executive Order 11521

AUTHORIZING VETERANS READJUSTMENT APPOINTMENTS
FOR VETERANS OF THE VIETNAM ERA

Whereas this Nation has an obligation to assist veterans of the Armed Forces in readjusting to civilian life;

Whereas the Federal Government, as an employer, should reflect its recognition of this obligation in its personnel policies and practices;

Whereas veterans, by virtue of their military service, have lost opportunities to pursue education and training oriented toward civilian careers;

Whereas the Federal Government is continuously concerned with building an effective workforce, and veterans constitute a major recruiting source; and

Whereas the development of skills is most effectively achieved through a program combining employment with education or training:

Now, therefore, by virtue of the authority vested in me by the Constitution of the United States, by sections 3301 and 3302 of title 5, United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. (a) Subject to paragraph (b) of this



section, the head of an agency may make an excepted appointment, to be known as a "veterans readjustment appointment", to any position in the competitive service up to and including GS-5 or the equivalent thereof, of a veteran or disabled veteran as defined in section 2108(1),(2), of title 5, United States Code, who,

- (1) served on active duty in the armed forces of the United States during the Vietnam Era;
- (2) at the time of his appointment has completed not more than fourteen years of education; and
- (3) is found qualified to perform the duties of the position.

(b) Employment under paragraph (a) of this section is authorized only under a training or educational program developed by an agency in accordance with guidelines established by the Civil Service Commission.

(c) An employee given a veterans readjustment appointment under paragraph (a) of this section shall serve subject to:

- (1) the satisfactory performance of assigned duties; and
- (2) participation in the training or educational program under which he is appointed.

(d) An employee who does not satisfactorily meet the conditions set forth in paragraph (c) of this section shall be removed in accordance with appropriate procedures.

(f) An employee who completes the training or educational program and who is satisfactorily completed two years of substantially continuous service under a veterans readjustment appointment shall be converted to career-conditional or career employment. An employee converted under this paragraph shall automatically acquire a competitive status.

(g) In selecting an applicant for appointment under this section, an agency shall not discriminate because of race, color, religion, sex, national origin, or political affiliation.

SECTION 2. (a) A person eligible for appointment under section 1 of this order may be appointed only within one year after his separation from the armed forces, or one year following his release from hospitalization or treatment immediately following his separation from the armed forces, or one year after involuntary separation without cause from (i) a veterans readjustment appointment or (ii) a transitional



appointment, or one year after the effective date of this order if he is serving under a transitional appointment.

(b) The Civil Service Commission may determine the circumstances under which service under a transitional appointment may be deemed service under a veterans readjustment appointment for the purpose of paragraph (f) of section 1 of this order.

SECTION 3. Any law, Executive Order, or regulation which would disqualify an applicant for appointment in the competitive service shall also disqualify a person otherwise eligible for appointment under section 1 of this order.

SECTION 4. For the purpose of this order:

(a) "agency" means a military department as defined in section 102 of title 5, United States Code, an Executive agency (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and those portions of the legislative and judicial branches of the Federal Government and of the government of the District of Columbia having positions in the competitive service; and

(b) "Vietnam era" means the period beginning



August 4, 1964, and ending on such date thereafter as may be determined by Presidential proclamation or concurrent resolution of the Congress.

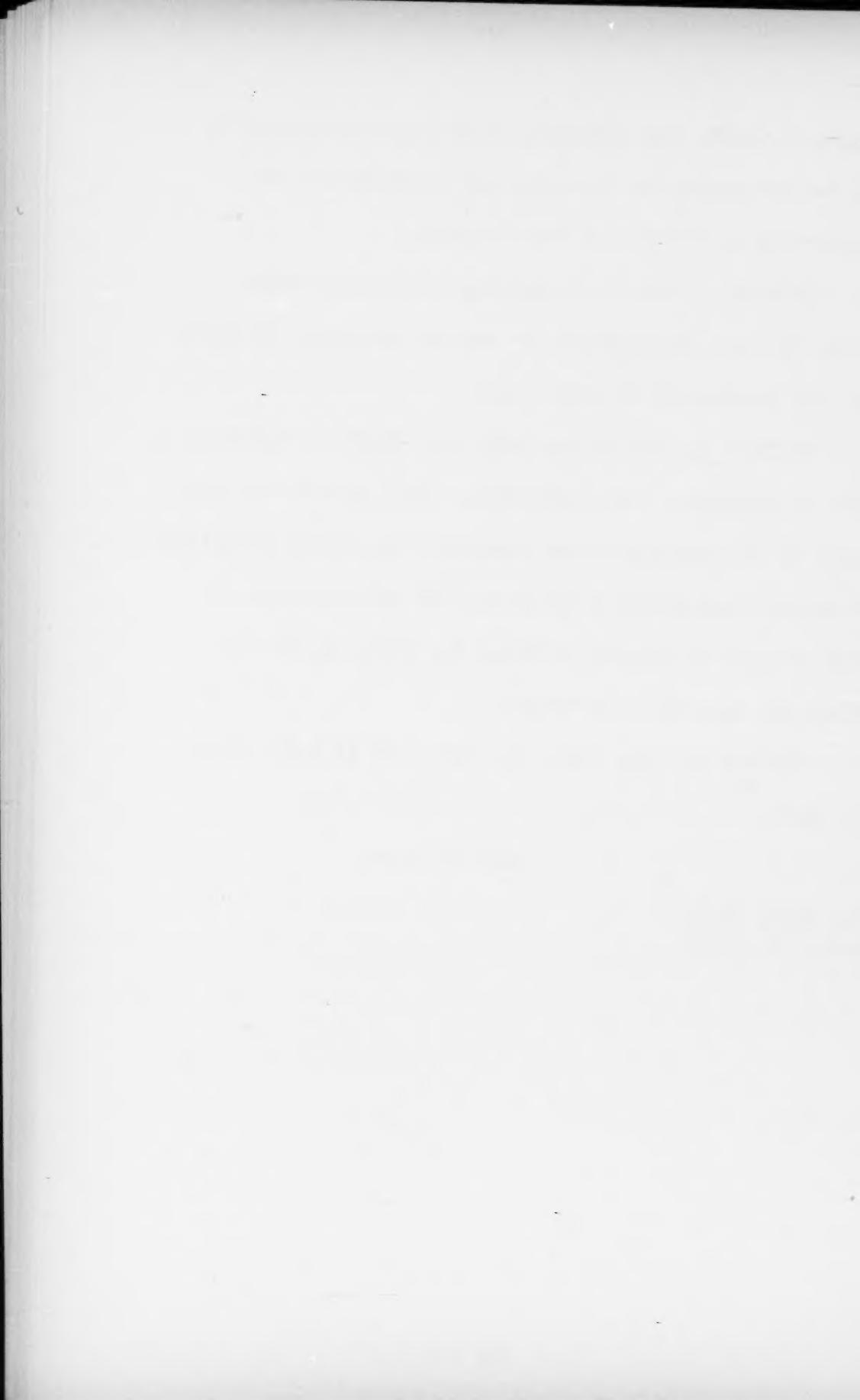
SECTION 5. The Civil Service Commission shall prescribe such regulations as may be necessary to carry out the provisions of this order.

SECTION 6. Executive Order No. 11307 of February 9, 1968 is revoked. Such revocation shall not affect the right of an employee to be converted to career-conditional or career employment if he meets the requirements of section 1(d) if Executive Order No. 11397 after the effective date of this order.

SECTION 7. This order is effective 14 days after its date.

Richard Nixon

The White House
March 26, 1970



EMPLOYMENT WITHIN THE FEDERAL GOVERNMENT

(a) It is the policy of the United States and the purpose of this section to promote the maximum of employment and job advancement opportunities within the Federal Government for qualified disabled veterans and veterans of the Vietnam era.

(b)(1) To further the policy stated in subsection (a) of this section, veterans of the Vietnam era shall be eligible, in accordance with regulations which the Civil Service Commission shall prescribe, for veterans readjustments, and for subsequent career-conditional appointments, under the terms and conditions specified in Executive Order Numbered 11521 (March 26, 1970), except that—

- (A) such an appointment may be made up to and including the level GS-7 or its equivalent;
- (B) a veteran of the Vietnam era shall be eligible for such an appointment without any time limitation with respect to eligibility for such an appointment; and
- (C) a veteran of the Vietnam era who is entitled to disability compensation under the laws administered by the Veterans' Administration or whose discharge or release



from active duty was for a disability incurred or aggravated in the line of duty shall be eligible for such an appointment without regard to the number of years of education completed by such veteran.

(2) In this subsection, the term "veteran of the Vietnam era has the meaning given such term in section 2011(2)(A) of this title.

(3) No veterans readjustment appointment may be made under authority of this subsection after September 30, 1986

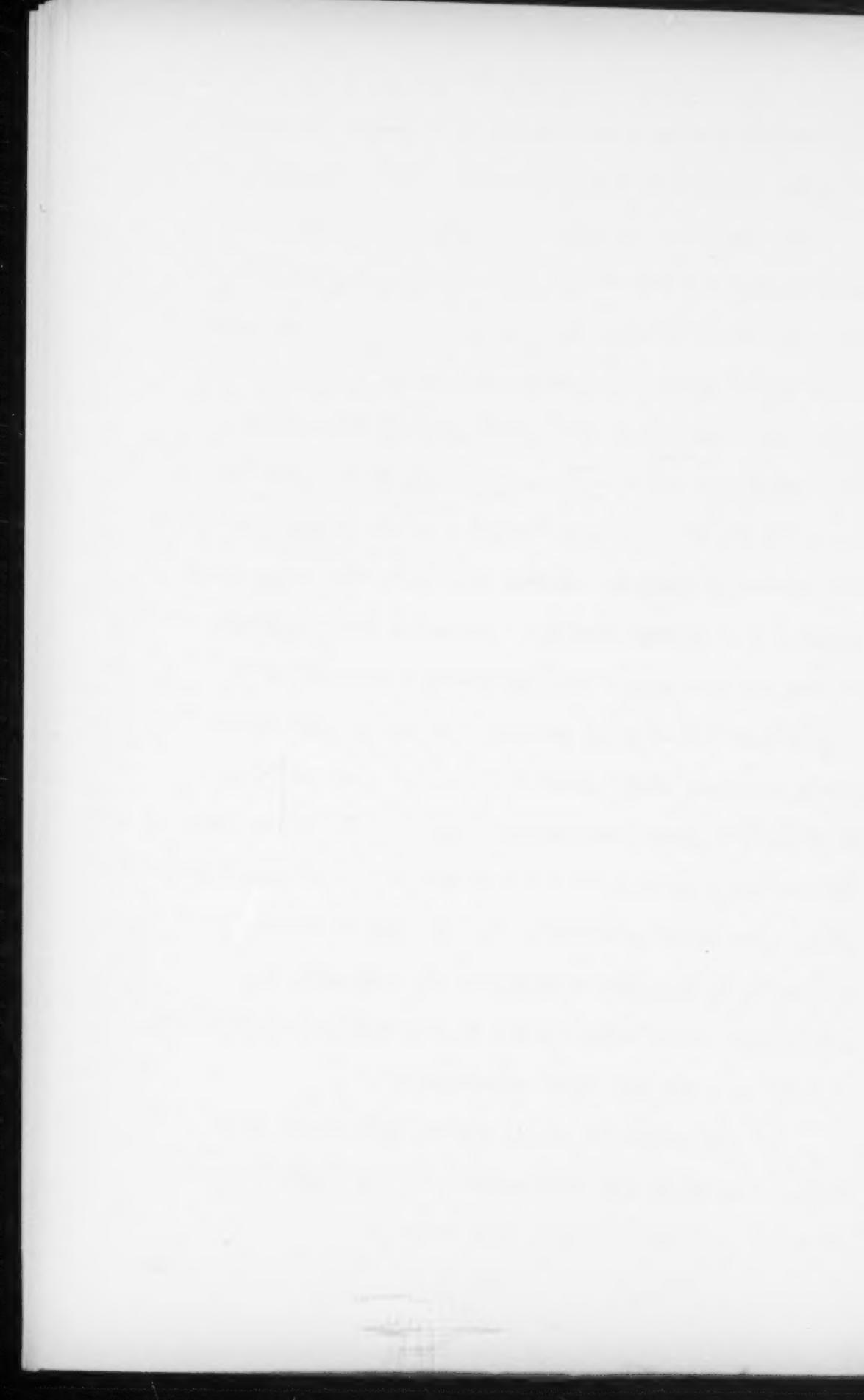
(c) Each department, agency, and instrumentality in the executive branch shall include in its affirmative action plan for the hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality as required by section 501(b) of Public Law 93-112(87 Stat. 391), a separate specification of plans (in accordance with regulations which the Civil Service Commission shall prescribe in consultation with the Administrator, the Secretary of Labor, and the Secretary of Health, Education, and Welfare, consistent with the purposes, provisions, and priorities of such Act) to promote and carry out such



affirmative action with respect to disabled veterans in order to achieve the purposes of this section.

(d) The Civil Service Commission shall be responsible for the review and evaluation of the implementation of this section and the activities of each such department, agency, and instrumentality to carry out the purpose and provisions of this section. The Commission shall periodically obtain and publish (on at least a semiannual basis) reports on such implementation and activities from each such department, agency, and instrumentality, including specification of the use and extent of appointments made under subsection (b) of this section and the results of the plans required under subsection (c) of this section. Each report under the preceding sentence shall include in the specification of the use and extent of appointments made under subsection (b) of this section the following information (shown for all veterans and separately for veterans described in subsection (b)(1)(C) of this section and other veterans):

(1) The number of appointments made under such subsection since the last report and the grade levels in which such appointments were made.



(2) The number of individuals receiving appointments under such subsection whose appointments were converted to career conditional appointments, or whose employment under such an appointment has terminated, since the last such report together with a complete listing of categories of causes of appointment terminations and the number of such individuals whose employment has terminated falling into each such category.

(3) The number of such terminations since the last such report that were initiated by the department, agency, or instrumentality involved and the number of such terminations since the last such report that were initiated by the individual involved.

(4) a description of the education and training programs in which individuals appointed under such subsection are participating at the time of such report.

(e) The Civil Service Commission shall submit to the Congress annually a report on the activities carried out under this section, except that, with respect to subsection (c) of this section, the Commission may include a report of such activities separately in the report required to be submitted by section 501(d) of such Public Law 93-112, regarding the employment of



handicapped individuals by each department, agency, and instrumentality.

(f) Notwithstanding section 2011 of this title, the terms "veteran" and disabled veteran" as used in subsection (a) of this section shall have the meaning provided for under generally applicable civil service law and regulations.



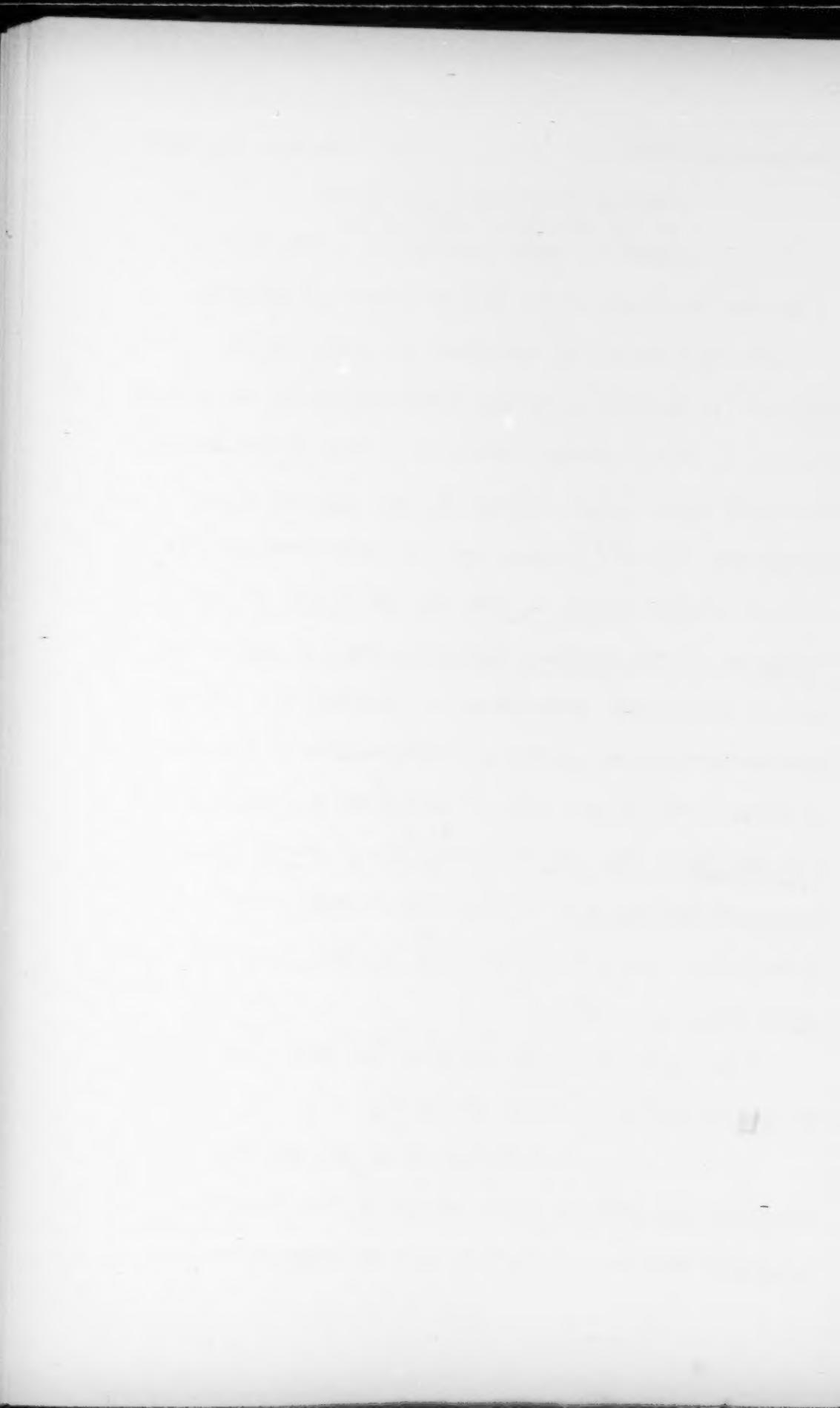
GRANTING PARDON FOR VIOLATIONS
OF THE SELECTIVE SERVICE ACT
AUGUST 4, 1964 TO MARCH 28, 1973

by the President of the United States of America

Acting pursuant to the grant of authority in Article II, Section 2, of the Constitution of the United States, I, Jimmy Carter, President of the United States, do hereby grant a full, complete, and unconditional pardon to: (1) all persons who may have committed any offense between August 4, 1964 and March 28, 1973 in violation of the Military Selective Service Act or any rule or regulation promulgated thereunder; and (2) all persons heretofore convicted, irrespective of the date of conviction, of any offense committed between August 4, 1964 and March 28, 1973 in violation of the Military Selective Service Act, or any rule or regulation promulgated thereunder, restoring to them full political, civil and other rights.

This pardon does not apply to the following who are specifically excluded therefrom:

(1) All persons convicted of or who may have committed any offense in violation of the Military Selective Service Act, or any rule or regulation



promulgated thereunder, involving force or violence; and

(2) All persons convicted of or who may have committed any offense in violation of the Military Selective Service Act, or any rule or regulation promulgated thereunder, in connection with duties or responsibilities arising out of employment as agents, officers or employees of the Military Selective Service system.

In witness whereof, I have hereunto set my hand this 21st day of January, in the year of our Lord nineteen hundred and seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter



IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1987
No. _____

RONALD R. SCHROEDER,

Petitioner

v.

UNITED STATES OF AMERICA,
DEPARTMENT OF THE AIR FORCE,

Respondant.

PROOF OF SERVICE

State of Illinois)
) s.s.
County of Cook)

Ronald Schroeder, after being duly sworn, disposes and says that pursuant to Rule 28.4(a) of this Court he served the within PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE TENTH CIRCUIT on counsel for the Respondant by enclosing a copy thereof in an envelope first class male postage prepaid, addressed to:

Solicitor General of the United States
Department of Justice
Washington, D. C. 20530

and depositing same in the United States mails at Schaumburg, Illinois, on January 20, 1988.

Ronald Schroeder
Ronald Schroeder, Affiant

Subscribed and Sworn to Before me
this 26th day of January 1988.

Frank D. DePietro
Notary Public in and For Said
County and State My Commission Expires Oct. 17, 1988